IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 6467 of 2006
Date of Decision: 16.3.2007

Balaji Spuntex Pvt. Ltd. ...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Arun Palli and Shri Harkesh Manuja, Advocates, for the petitioner.

Shri Deepak Gupta, Advocate, for respondent No. 7.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned trial Court on 22.11.2006, whereby separate applications filed by respondent Nos. 6 and 7 for impleadment in the suit for injunction filed by the petitioner, were allowed.

The plaintiffs have filed the suit for injunction claiming exclusive right over the feeder line which is stated to have been installed at the cost of the plaintiffs. On the other hand, the applicant-respondents have sought the impleadment on the ground that by virtue of the interim order passed by the Civil Court, the load sanctioned in their favour is not being granted.

Learned counsel for the petitioner has vehemently argued that the applicants (respondent Nos. 6 and 7) have no right to seek connection from the feeder line installed at the cost of the plaintiffs, in as much as, it is the case of respondent No.6 herein to the effect that it has no

connection with the feeder line providing electricity supply to the plaintiffs.

Learned counsel representing respondent No. 7 has relied upon the instructions, Annexure R.6 dated 14.7.2006 which contemplate that even if feeder has been installed at the cost of some other person, still the Board retain the right to provide the connection from the said feeder.

The question whether such circular is applicable in the present case or not, is not required to be examined at this stage. The fact remains that the applicants were sanctioned extension of electric load, but the same is presumably not being granted on account of ad-interim order. As the said order is affecting the rights of the applicants, therefore, they have a right to be impleaded in the suit so that all the issues between the parties are decided in the same very suit.

In view of the above, I do not find any patent illegality or irregularity in the impugned order, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

16-03-2007 (HEMANT GUPTA)
ds JUDGE